



Federal Utility Partnership Working Group
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UESC Frequently Asked Questions Panel Discussion

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Topics

- Introductions
 - Pam Komer, VA Contracting Officer (previously USCG CO)
 - Linda Collins, GSA Contracting Officer
 - Phill Consiglio, Southern California Edison
- FAQ's
 1. FEMP's position on the term length of a UESC
 2. Bonding
 3. UESC within a utility's service territory (no meter)
- FAQ's under consideration for next FUPWG



FAQ 1: What is FEMP's position on the term length of a UESC

DOE Schwartz Opinion, June 1999, specific intent

- Address anti-deficiency
- Clarify energy management as a utility service
- Ok to do projects up to 10 years

GSA Butterworth Opinion, May 2000,

- GSA – Has contracting authority for greater-than-10-years through 42 USC 8256 separate and apart from 10-year authority from the Property Act

FEMP's decision to follow Butterworth Opinion

- DOE – will follow GSA opinion as the lead



FAQ 2: The Miller Act ~ Bonding Construction Projects

Miller Act ~ Bonding

- Bonding purpose and definition (Linda)
- Bonding within a UESC (Phil)
- Is a UESC a service contract with an element of construction or a construction contract (Pam)

What's the bottom line?

- it's the CO's call



FAQ 3: Can a Utility provide a UESC within its service territory, if the agency is currently not taking service (no meter)

- Utility Incentive Programs are for Customers
- What if utility start up costs are part of the UESC?
- GSA



FAQs under consideration for Next Session

1. What are the most successful approaches for including renewable measures inside a UESC?
2. Ships on our system are an enormous load, and our customers want to use UESC to improve EE on them, can we?

Thank You!